

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Robert Western,)	Civil Action No.: 4:13-3533-BHH
)	
Plaintiff,)	
)	ORDER AND OPINION
vs.)	
)	
South Carolina Department of Corrections;)	
Kirkland Correctional Institution Medical)	
Department, and Evans Correctional)	
Institution Medical Department,)	
)	
Defendants.)	
)	

Plaintiff Robert Western (“the plaintiff”), proceeding *pro se* and *in forma pauperis*, filed this action pursuant to 42 U.S.C. § 1983. This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Thomas E. Rogers made in accordance with 28 U.S.C. § 636(b) and Local Rule 73.02 for the District of South Carolina. On October 31, 2014, the Magistrate Judge issued a Report and Recommendation recommending that this case be dismissed without prejudice and without issuance and service of process. (ECF No. 27.)

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. See *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The Court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made.

Plaintiff was advised of his right to file objections to the Report and Recommendation. (ECF No. 27 at 6.) On November 17, 2014, the envelope containing Plaintiff's copy of the Report and Recommendation was returned to the Clerk of Court, marked "Return to Sender, Unable to Forward." (ECF No. 29.) Plaintiff was advised by order filed January 22, 2014 (ECF No. 9), of his responsibility to notify the Court in writing if his address changed. Plaintiff was also informed that his case could be dismissed for failing to comply with the Court's order. (ECF No. 9 at 2.)

Plaintiff filed no objections and the time for doing so expired on November 17, 2014. In the absence objections to the Magistrate Judge's Report and Recommendation, this Court is not required to provide an explanation for adopting the recommendation. See *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed.R.Civ.P. 72 and advisory committee's note).

Here, because no objections have been filed, the Court has reviewed the Magistrate Judge's findings and recommendations for clear error. Finding none, the Court agrees with the Magistrate Judge that the Plaintiff's claims against Defendants are subject to summary dismissal. Accordingly, the Report and Recommendation is adopted and incorporated herein by reference and this action is DISMISSED without prejudice and without issuance and service of process.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

December 4, 2014
Greenville, South Carolina